

REMARKS/ARGUMENTS

Claims 41-50 are pending in this application. Claims 41, 48 and 50 have been amended. Claim 49 has been cancelled.

Claim 41 has been amended by adding the limitations of, now canceled, claim 49. Furthermore, the abbreviations in claim 41 have been rewritten to spell the full name of the compounds, followed by the abbreviations in the brackets, as requested on page 4 of the Office Action. Claim 50 was also amended to remove the abbreviations objection. No new matter has been introduced.

Reconsideration of the present application is respectfully requested in light of the foregoing amendments and the following remarks.

Specification

The Specification has been revised to conform it to the preferred format for U.S. patent applications as required in the Office Action, and a Substitute Specification and Comparison Copy are submitted herewith.

Abstract

The Abstract of the Disclosure was objected to because of certain informalities. The Abstract has been revised to conform to the requirements outlined on page 3 of the Office Action.

Claim Objections

Claims 41 and 50 were objected to because of certain informalities. In particular, the Office Action has requested that the Applicant spell out the abbreviations in claims 41 and 50, and clarify whether the phrases in the parentheses are part of the claim limitation of claim 41. The Applicant has amended claims 41 and 50 as requested. The Applicant submits that the claims 41 and 50 objections are thus overcome.

Claim Rejections - 35 USC § 103

Claims 41, 43, 44 and 46-49 have been rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Landell (U.S. Patent No. 6,124,538) in view of Rogers (U.S. Patent Application No. 2002/0032073).

Claim 42 has been rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Landell in view of Rogers, as applied to claim 41 above, and further in view of Gartner (U.S. Patent No. 4,659,629).

Claim 45 has been rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Landell in view of Rogers, as applied to claim 41 above, and further in view of Murata (U.S. Patent No. 4,507,184).

Claim 50 has been rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Landell in view of Rogers, as applied to claim 41 above, and further in view of Johansson (U.S. Patent No. 5,320,686).

The Applicant traverses the above rejections. To further the prosecution of the application, the Applicant has amended independent claim 41 by adding the limitations of, now canceled, claim 49. The Applicant submits that amended claim 41 is not obvious over Landell in view of Rogers for the reasons set forth below.

Neither Landell nor Rogers, taken alone or in combination, discloses or suggests the parts (i) made at least partially from titanium or a titanium alloy and (ii) having at least one hard layer made by depositing or applying to the parts, as recited in claim 41.

In reference to claim 41, the Office Action states that Landell discloses accessory or component or actuating parts of musical instruments having parts made at least partially from titanium or a titanium alloy. The Office Action goes on to state that what is missing from Landell is provided by Rogers, which allegedly discloses in Paragraphs [0005-0006] "coating musical instruments with at least one hard layer made of tungsten carbide carbon (WC/C), tungsten carbide (WC), chromium carbide (CrC) and chromium nitride (CrN), in the course of a

physical application process, and/or ... a hard layer made of titanium nitride and/or ... a hard layer made of titanium nitride" (last complete paragraph on page 5 of the Office Action).

The Applicant respectfully disagrees with the above interpretation of the Landell and Rogers references for the reasons set forth below. Paragraphs [0005-0006] of Rogers disclose titanium nitride coating applied over golf heads made of "high softening point steels and other hard metals" in order to achieve a desired cosmetic appearance. However, Rogers does not disclose or suggest applying a hard layer over a part made at least partially from titanium or a titanium alloy, as required by claim 41. A person skilled in the art of musical instruments would not find disclosure or suggestion for applying a coat of (A) tungsten alloy applied over (B) parts of musical instruments which are (C) made from titanium or a titanium alloy in the Rogers reference which discloses a coat of (A) titanium alloy applied over (B) a golf club head which is (C) made of high softening point steel. Therefore, the above limitation of the pre-amended claim 41 is not obvious over Landell in view of Rogers. Furthermore, a person skilled in the art of musical instruments would not look at the sporting equipment to find a suggestion for a metal or metal alloy coating, especially because he or she would be concerned with improving the quality of sound of a musical instrument, and not with the hardness of the surface influencing the impact on a golf ball.

In reference to now canceled claim 49, the Office Action states that Landell in col. 4, lines 20-24 and col. 5, lines 33-37, 52-56 discloses the parts coated with at least one hard layer by depositing or applying the hard layer to the parts (last paragraph on page 7 of the Office Action). However, the cited disclosure of Landell describes the process of changing the color of the surface, and not the at least one hard layer made by depositing or applying to the parts, as required by amended claim 41. For instance, Landell in col. 4, lines 20-24 discloses:

Still another aspect of the invention is to provide an instrument, in particular a flute, that is capable of removing the existing colors created by an anodization process, and to further cause the instrument to be changed into other colors or patterns of colors.

Therefore, a person skilled in the arts of metal coatings would find no disclosure or suggestion directed towards a hard layer made by depositing or applying to the parts in Landell's disclosure of the layer's color manipulation done by, for instance, voltage increase (col. 5, lines 37-41 of Landell).

For the reasons set forth above, amended claim 41 is not obvious over Landell in view of Rogers. Furthermore, claims 42-48 and 50, which are non-obvious in their own right, are also non-obvious because they add the limitations to their base claim 41.

CONCLUSION

In view of the foregoing, the Applicant submits that this application is in condition for allowance, and a formal notification to that effect at an early date is requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (415) 273-4317 (direct dial).

Respectfully submitted,



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